

For Sale
BY OWNER
and Builder

Received & Inspected
JAN 10 2012
FCC Mail Room

Office of the Secretary
Federal Communications Commission
Attention: Disability Rights Office, Room 3-B431
445 12th Street, SW
Washington, DC 20554

January 11, 2012

To Whom It May Concern:

Please find attached our "Petition for Exemption from Closed Captioning Requirements". If there are any questions or concerns, please contact me by phone, mail or email below.

Sincerely,

Debra M Brimberry
Co-owner
For Sale By Owner and Builder magazine

Phone: 706-221-4726 Fax: 706-221-4627
Email: Info@ForSaleByOwnerOfColumbus.com
Website: www.ForSaleByOwnerOfColumbus.com
5300 Sidney Simons Blvd, Suite 11, Columbus, GA 31904

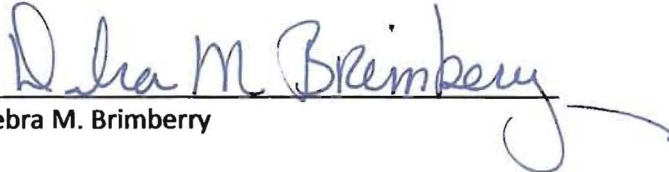
STATE OF GEORGIA
MUSCOGEE COUNTY

AFFIDAVIT OF Debra M Brimberry

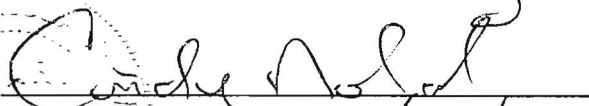
I, Debra M. Brimberry, being first duly sworn, depose and state:

1. I am the co-owner of For Sale By Owner and Builder, a free publication in Columbus, Georgia.
I am over the age of 21.
2. I have reviewed the Petition for Exemption for Closed Captioning Requirements filed on the behalf of
For Sale By Owner and Builder, and upon information and belief, believe the statements
regarding our organization and Television Show of Homes to be true and accurate.

FURTHER AFFIANT SAYETH NOT.


Debra M. Brimberry

SUBSCRIBED TO AND SWORN
Before me this 10th day of January 2012.


Notary Public
My Commission expires: 4/27/13

Office of the Secretary
Federal Communications Commission
Attention: Disability Rights Office, Room 3-B431
445 12th Street, SW
Washington, DC 20554

RE: Petition for Permanent Exemption from Closed Captioning Requirements
CG Docket No. 06-181, CGB-CC-_____

Introduction

For Sale By Owner and Builder magazine is a free publication in the Columbus/Phenix City area that helps the "By Owner" advertise and sale their homes without the aid of a Realtor. We will list these properties in our monthly magazine, on our website, and on our local Television Show of Homes. Our magazine has been published for over 13 years now, while the TV Show has been on the air since 2006.

Our Television Show of Homes is a 30 minute program that airs 4 times per weekend on channel FOX54 (WXTX) in Columbus, Georgia. It provides a 'slide show' of homes and their interiors that are available "for sale by owner" in our area. It also provides details of prices, contact phone numbers, etc.

The current air times are Fridays at 8am, Saturdays at 7:30am and Sundays at 8:30am and 11:00am. Depending on how many homes we have to advertise, we may produce one or two programs per month and have them rotate accordingly with our air times. The average program allows for 42 homes per show. Our Show of Homes is currently being produced by WTVM (a sister station to WXTX) as well as our hiring out local talent for the voice-overs. We produce the show once a month, but may need to add or subtract homes during the month as they sell or others become available.

Providing captioning for this program would result in significant difficulty and expense. Thus, for the reasons set forth below, For Sale By Owner and Builder hereby requests an "economically burdensome" exemption from the closed captioning rules for our Television Show of Homes, pursuant to 79.1(f) of the Commission's rules.

Nature and Cost of Closed Captions

I have received a quote from a company that does Closed Captioning in the amount of \$295 per show plus the shipping costs to send the tape to them and back again. The 'turn around' time for this procedure is given as 4 to 5 days. Since the company is out of state, and there is no service provided locally, the time sensitivity is the big factor here.

Our Show of Homes, while it has an announcer's voice over the slideshow describing the homes, the majority of the pertinent information is printed on the screen including price, contact phone numbers, number of bedrooms/baths, etc. In its normal state, the Show of Homes is more of a visual program than audio.

Impact on the Operation of the Program Provider

Our TV Show of Homes is a service we provide our advertisers. It is an additional vehicle by which our local community can see homes that are for sale by owner. It is a small part of the package we offer to our homeowner advertisers and there is no profit made from the show. During the last fiscal year, we paid WXTX \$28,400 for airtime and production (the average monthly production cost was \$500). Closed caption would increase the cost of each show production by a minimum of \$395 plus overnight shipping costs. The impact that closed captioning would have on us in the extra week it would take to get it completed is huge. The consumers would think we were advertising with false pretense because by the time we received the tape back those homes may or may not still be available. This would in turn cost the company money because we would have spent money that is not profitable, not mention our staff's wasted time and effort.

Financial Resources of the Program Provider

We are a small, family owned business and must control our costs at all times. Our company is not under a financial burden at this time, but if we had to produce our Show of Homes with closed captioning we could not support the additional cost. This is mainly a time sensitive issue. There is no one in our market that offers closed captioning service and the one week turn around quoted in addition to the 3 to 4 days currently needed for production is unacceptable.

Type of Operations of the Program Provider

We are a locally owned magazine that strives to provide customers with quality advertising to market and sell their homes and/or property.

Conclusion

Petitioner believes that the local, non-news exemption to the closed captioning rules also applies to For Sale By Owner and Builder 30 minute Show of Homes. As noted above, the program is produced and distributed locally, and is primarily local public interest. The episodes are not news, they do not have repeat value (the homes will be sold) and the electronic newsroom technique is not available. Notwithstanding the applicability of the exemption, we filed this petition in abundance of caution and for the purpose of establishing certainty.

As shown by this Petition and its attachments, the Commission should grant a waiver of the closed captioning requirements in this case because requiring closed captioning would be economically burdensome and time sensitive. The costs of captioning would be excessively high and would have a significant impact on Petitioner's operations, undermining its ability to provide the program. The Petitioner's type of operations and financial resources are different in kind and magnitude from a mainstream programming provider. Because of the significant difficulty and expense of providing closed captions, a waiver under 79.1(f) is warranted. If more information is needed, please contact me at the address provided.

2:50 PM

01/11/12

For Sale By Owner
Vendor QuickReport
 January through December 2011

Type	Date	Num	Account	Split	Amount
WXTX					
Check	1/14/2011	2054	FSBO	Advertising an...	-2,000.00
Check	2/15/2011	deb	FSBO	Advertising an...	-3,000.00
Check	3/16/2011	2079	FSBO	Advertising an...	-3,000.00
Check	4/7/2011		FSBO	Advertising an...	-4,597.50
Check	5/17/2011		FSBO	Advertising an...	-1,925.00
Check	6/20/2011		FSBO	Advertising an...	-1,925.00
Check	7/21/2011		FSBO	Advertising an...	-2,125.00
Check	8/25/2011		FSBO	Advertising an...	-1,850.00
Check	9/26/2011		FSBO	Advertising an...	-2,200.00
Check	10/26/2011		FSBO	Advertising an...	-1,850.00
Check	11/23/2011		FSBO	Advertising an...	-1,825.00
Check	12/30/2011	2250	FSBO	Advertising an...	-2,100.00

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 1,925. +
 2,125. +
 1,850. +
 2,200. +
 1,850. +
 1,825. +
 2,100. +
 =
 28,397.50 *

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Air time + production

Debby Brimberry <drbrimberry@gmail.com>

captions for For Sale By Owner

1 message

Emily Bell <emily@captionmax.com>

Wed, Jan 11, 2012 at 11:07 AM

To: "drbrimberry@gmail.com" <drbrimberry@gmail.com>

Hi, Debby.

Thanks for looking into CaptionMax. We can create roll-up style captions for your half-hour program for **\$200**. This includes professional human transcription, caption timing and formatting, PreciseCheck, and export of a caption data file such as a CAP or an SCC.

The second step in the captioning process is marrying the caption data to the video. If you send us a copy of your DVCPRO master, we can clone a captioned master for you for **\$95**. Shipping would be additional or we can use your shipping account number. Standard turnaround for the project is about 4-5 business days, but we can give you a more specific estimate once we know more about your delivery schedule.

Please let me know if there are any questions I can answer for you or if there's anything else we can provide.

Thanks.

Emily

Emily Bell

Multimedia Manager

CaptionMaxdirect: [612.656.1030](tel:612.656.1030)main: [612.341.3566](tel:612.341.3566)**CaptionMax Credit Card Authorization + T&C's.pdf**

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